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12 Attorneys for Plaintiff
13 WALTER ABRAM

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 WALTER ABRAM,

Case No. C 12-02381 JSW

17 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER TO RELATE CASES**

18 vs.

19 NATIONAL RAILROAD PASSENGER
20 CORPORATION DBA AMTRAK; and DOES
1-50, inclusive ,

21 Defendant.

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1 Plaintiffs Walter Abram (“Plaintiff”) and Defendant National Railroad Passenger
 2 Corporation aka Amtrak (“Defendant” or “Amtrak”) hereby stipulate, by and through their
 3 respective counsel, as follows:

4 WHEREAS, on or about March 5, 2012, Plaintiffs Derrell Whitley (“Whitley”), Odis
 5 Tillis Jr. (“Tillis”), Stanley Jacks (“Jacks”), Willis Frazier III (“Frazier”), Melvin Jones (“Jones”),
 6 Tamika McGee (“McGee”), Alesia Styner (“Styner”), Andre Smith (“Smith”), Mark Green
 7 (“Green”), Alfred Henry (“Henry”), and Albert Harris (“Harris”) (collectively, the “Whitley
 8 Action Plaintiffs”) filed a complaint against Amtrak in Alameda County Superior Court (the
 9 “Whitley State Court Action”);

10 WHEREAS, the Whitley Action Plaintiffs are African-Americans who asserted, in the
 11 Whitley State Court Action, claims for racial discrimination, racial harassment, retaliation,
 12 disability discrimination, violations of medical leave laws, intentional infliction of emotional
 13 distress and wrongful termination, arising out of their employment at Amtrak’s Oakland,
 14 California facilities;

15 WHEREAS, on or about April 10, 2012, Amtrak timely removed the Whitley State Court
 16 Action to the United States District Court for the North District of California (Case No. C 12-
 17 01781 JSC)(the “Whitley Federal Court Action”);

18 WHEREAS, on or about May 11, 2012, Plaintiff Walter Abram filed a complaint against
 19 Amtrak in the United States District Court for the North District of California (Case No. C 12-
 20 02381 JSW)(the “Abram Federal Court Action”);

21 WHEREAS, Plaintiff Walter Abram is African-American and asserted, in the Abram
 22 Federal Court Action, claims for racial discrimination, racial harassment, retaliation, disability
 23 discrimination, violations of medical leave laws, intentional infliction of emotional distress and
 24 wrongful termination, arising out of his employment at Amtrak’s Oakland, California facilities;

25 WHEREAS, Morgan, Lewis & Bockius LLP is counsel of record for Amtrak in both the
 26 Whitley Federal Court Action and the Abram Federal Court Action;

27 WHEREAS, the Law Offices of Paul B. Justi is counsel of records for all Plaintiffs in both
 28 the Whitley Federal Court Action and the Abram Federal Court Action;

1 WHEREAS, on August 30, 2012, the Parties in the Whitley Federal Court Action attended
 2 a case management conference during which the Parties discussed, at the suggestion of the
 3 Honorable Jacqueline Scott Corley, the Parties' willingness to stipulate to relate the Whitley
 4 Federal Court Action and the Abram Federal Court Action, solely for purposes of procedural
 5 convenience, and subject to Amtrak's right to move to bifurcate, sever or separate each and every
 6 Plaintiff's claims for individual adjudication or trial;

7 WHEREAS, on August 30, 2012, the Parties in the Whitley Federal Court agreed, during
 8 the case management conference, to stipulate to relate the Whitley Federal Court Action and the
 9 Abram Federal Court Action, solely for purposes of procedural convenience, and subject to
 10 Amtrak's right to move to bifurcate, sever or separate each and every Plaintiff's claims for
 11 individual adjudication or trial;

12 THEREFORE, Plaintiff Walter Abram and Defendant Amtrak hereby stipulate to relate
 13 the Whitley Federal Court Action and the Abram Federal Court Action, solely for purposes of
 14 procedural convenience, and subject to Amtrak's right to move to bifurcate, sever or separate
 15 each and every Plaintiff's claims for individual adjudication or trial;

16 THEREFORE, Plaintiffs Derrell Whitley, Odis Tillis Jr., Stanley Jacks, Willis Frazier III,
 17 Melvin Jones, Tamika McGee, Alesia Styner, Andre Smith, Mark Green, Alfred Henry, and
 18 Albert Harris and Defendant Amtrak hereby stipulate to relate the Whitley Federal Court Action
 19 and the Abram Federal Court Action, solely for purposes of procedural convenience, and subject
 20 to Amtrak's right to move to bifurcate, sever or separate each and every Plaintiff's claims for
 21 individual adjudication or trial.

22 IT IS SO STIPULATED.

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1 Dated: September 21, 2012

LAW OFFICE OF PAUL B. JUSTI

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3 By /s/ Paul B. Justi

4 PAUL B. JUSTI
5 Attorneys for Plaintiff
6 WALTER ABRAM; DERRELL
7 WHITLEY; ODIS TILLIS, JR.;
8 STANLEY JACKS; WILLIS FRAZIER,
9 III; MELVIN JONES; TAMIIKA McGEE;
10 ALESIA STYNER; ANDRE SMITH;
11 MARK GREEN; ALFRED HENRY; and
12 ALBERT HARRIS

13 Dated: September 21, 2012

14 MORGAN, LEWIS & BOCKIUS LLP

15 By /s/ Philip J. Smith

16 L. JULIUS M. TURMAN
17 PHILIP J. SMITH
18 Attorneys for Defendant
19 NATIONAL RAILROAD PASSENGER
20 CORPORATION aka AMTRAK

FILER'S ATTESTATION

21 I, Philip J. Smith, am the ECF user whose identification and password are being used
22 to file Defendant National Railroad Passenger Corporation aka Amtrak's , as well as Plaintiff
23 Walter Abram's, Derrell Whitley's, Odis Tillis Jr.'s, Stanley Jacks', Willis Frazier III's, Melvin
24 Jones', Tamika McGee's, Alesia Styner's, Andre Smith's, Mark Green's, Alfred Henry's, and
25 Albert Harris' Stipulation To Relate Cases. In compliance with L.R. 5-1(i)(3), I hereby attest that
26 Paul B. Justi concurs in this filing.

27 /s/ Philip J. Smith

28 Philip J. Smith
Attorneys for Defendants
NATIONAL RAILROAD PASSENGER
CORPORATION aka AMTRAK

PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: September 24, 2012

Jacqueline S. Corley
27 HON. JACQUELINE SCOTT CORLEY
United States Magistrate Judge